

FILED

MAR 18 2020

Attachment A

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

Lazaro Quinones-Cedeno.
Plaintiff,

Your full name

1:20cv 48
Kleeh
Aloi
Williams

**FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)**

v.

Civil Action No.: 5:20-cv-00031
(To be assigned by the Clerk of Court)

W. Healey, et, al,
Defendant,
J. Hanlin, et, al,
Defendant,
T. Thorne, et, al,
Defendant,
R. Reckard, et, al,

Enter above the full name of defendant(s) in this action

I. JURISDICTION

This is a civil action brought pursuant to **Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Quinones-Cedeno. Inmate No.: 06288-000
Address: F.C.I. Hazelton
P.O. Box 5000 Bruceton Mills, WV 26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: W. Healey. Foreman Cook.
Position: Foreman Cook. Drive.
Place of Employment: F.C.I. Hazelton
Address: 1640 Sky View Drive
Bruceton Mills, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He was the Boss in the kitchen dining room. He hired me to work in there.

B.1 Name of Defendant: J. Handlin
Position: Foreman Cook.
Place of Employment: F.C.I. Hazelton
Address: 1640 Sky View Drive
Bruceton Mills, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He was the #1 Cooker by time I was fired. He was helping me to improve in the job.

B.2 Name of Defendant: T. Thorne.
Position: Foreman Cook.
Place of Employment: F.C.I. Hazelton
Address: 1640 Sky View Drive,
Bruceton Mills, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

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If your answer is "YES," briefly explain: He was always expressing
his dislike toward me due to my filing grievances and
complaints against staff misconduct. The first Amendment
prohibit prison jail officials from retaliate against inmates
who report complaints file grievances, or file lawsuits.

B.3 Name of Defendant: R. Reckard.
Position: Compound Officer
Place of Employment: F.C.I. Hazelton
Address: 1640 Sky View Drive
Bruceton Mills, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He got scared after he
readed a letter I wrote to U.S. President in behalf of a staff.
It was enough for him and T. Thorne, to start sending me back
to the Unit without not other scuse than harassing me.

B.4 Name of Defendant: Not-Applicable.
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

Not-Applicable.

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B.5 Name of Defendant: Not-Applicable.
 Position: _____
 Place of Employment: _____
 Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

Not-Applicable.

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: Federal Correctional Institution Hazelton.

A. Is this where the events concerning your complaint took place?
☒ Yes ☐ No

If you answered "NO," where did the events occur?
Not-Applicable

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☐ Yes ☒ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☐ Yes ☒ No

D. If your answer is "NO," explain why not: The Court erroneously misconstrued my declarations (Documents 58-61) in an attempt to initiate four new Civil Action. The Declarations were attempt on my behalf to state to the Court the Obstruction of Justice and Abuse of Power that staff at F.C.I. Hazelton and F.C.I. McIlwaine WV. are conducting in order to interfere with my Legal Process.
 E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 Not-Applicable.

LEVEL 2 Not-Applicable.

LEVEL 3 Not-Applicable.

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☒ Yes ☐ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): Lazaro Quinones-Cedeno.

Defendant(s): Ms. Barbara Rickard, Roldan Randan.

2. Court: U.S. District of WV. Bluefield Division.
(If federal court, name the district; if state court, name the county)

3. Case Number: 1:19-cv-00064

4. Basic Claim Made/Issues Raised: Neglect by Harsh Abuse of Power And Authority. Obstruction of Justice, violation of My Fifth Amendment Due Process Rights And a retaliatory prison transfer. Allowing unprofessional misconduct from staff toward me.

5. Name of Judge(s) to whom case was assigned:
Omar J. Aboulhosn. Magistrate Judge. David A. Faber,
U.S. District Judge.

6. Disposition: Pending
(For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: January 25, 2019

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8. Approximate date of disposition. Attach Copies: Pending.
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?
- ☐ Yes ☐ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.
- 1) Administrative Remedy ID. 918649-A-1 Level III Exhausted.
Incident Rpt. 3039907, Code 212 From 10/02/2017.
- 2) Administrative Remedy ID. 939314-R3. None. Run-Around treatment by S.E.R.O. Director J.A. Keller, in Atlanta, GA. He along with FCI Williamsburg, S.C. and FCI Hazelton, WV. Warden M.B. Antonelli, hit me
- E. Did you exhaust available administrative remedies? with a retaliatory prison transfer. IT stopped in level II
- ☒ Yes ☐ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.
- 1) ID. 918649-A1. I went through the process. It was Exhausted.
- 2) ID. 939314-R3. No Exhausted. Run-Around treatment. It was stopped in level II. Retaliation due trying to get it exhausted, this remedy ID. 939314-R3. Used by S.E.R.O. Director J.A. Keller, and FCI Hazelton Warden M.B. Antonelli when he was FCI Williamsburg, S.C. Warden.
- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"
1. Parties to previous lawsuit:

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDY.

Quinones-Cedeno v. Antonelli; Civil Action No. 5:20-cv-00030
Plaintiff, Defendant,

Neglect by Harsh Abuse of Power and Authority. Obstruction of Justice, Violation of my Fifth Amendment Due Process Rights and a retaliatory Prison Transfer.

Allowing unprofessional misconduct by staff toward Plaintiff.

Court: U.S. District Court for the Northern District of West Virginia.

Name of Judge(s) to whom case was assigned:

None Yet.

Disposition: Pending.

Aproximate date of filing lawsuit. February 12, 2020

Quinones-Cedeno v. Bluemling; Civil Action No. 1:20-cv-00027
Plaintiff, Defendant,

Plaitiff has suffered mental and emotional distree, aggravation, annoyance and inconvenience and other damages toward him, loss of standing in the Education Department doing his legal work due to Education Specialist Ms. M. Bluemling and other staff.

Court: U.S. District Court for the Northern District of West Virginia.

Name of Judge(s) to whom case was assigned;

None Yet.

Disposition: Pending.

Aproximate date of filing lawsuit. February 12, 2020

Quinones-Cedeno v. Healey; Civil Action No. 1:20-cv-00031
Planitiff, Defendant,

Mistreatment and Discrimination: Plaintiff was merely subjected to cruel and unusual punishment because staff, acting outside of their function in the kitchen (allowing inmates to instructing them what to do) chose to fire Plaintiff because they need to discredit Plaintiff to get foreman cook Healey and Handlin removed from the facility. Inmates along with staff needed to get Plaintiff out of the kitchen detail. Compound officer R. Reckard, in conjunction with foreman cook T. Thorne, were returning Plaintiff from the kitchen in retaliation for this attached letter Plaintiff wrote to U.S. President, in the past and Plaintiff allowed compound officer R. Reckard to read it. (Attached)

Court: U.S. District for the Northern District of West Virginia.

Name of Judge(s) to whom case was assigned:
None Yet.

Disposition: Pending.

Approximate date of filing lawsuit. February 12, 2020

The Court erroneously misconstrued Plaintiff's Declaration (Documents No. 58-61) in an attempt to initiate four new Civil Action pursuant to Bivens v. Six unknown Federal agents of Federal Bureau of Narcotics. The Declarations were attempt on behalf of Plaintiff to state to the Court the Obstruction of Justice and Abuse of Power that staff in F.C.I. McDowell, WV., and staff at F.C.I. Hazelton, WV., are conducting in order to interfere with Plaintiff's Legal Process.

Quinones-Cedeno v. Resh; Civil Action No. 3:20-cv-00027
Plaintiff. Defendant.

Cruel and unusual treatment and deliverancete indifference (standard) of Eighth Amendment. Medical needs of Plaintiff health by (Supervisor liability, "obduratly." "wantonly," or "with deliverate...indifference." A sufficiently serious deprivation occurred by prison official's by act or omission...result[s] in the denial of the civilized measure of life's necessities.

Court: U.S. District Court for the Northern District of West Virginia.

Name of Judge(s) to whom the case was assigned:
None Yet.

Disposition: Pending.

Approximate date of filing lawsuit. February 12, 2020

The Court erreously misconstrued Plaintiff's Declarations (Documents No. 58-61) in an attempt to initiate four new Civil Action pursuant to Bivens v. Six unknown Federal Agents of Federal Bureau of Narcotics. The Declarations were attempt on behalf of Plaintiff to state to the Court the Obstruction of Justice and Abuse of Power that staff at F.C.I. McDowell, WV., and staff at F.C.I. Hazelton, WV., are conducting in order to interfere with Plaintiff's Legal Process.

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Plaintiff(s): See Attachment.Defendant(s): See Attachment.

2. Name and location of court and case number:

U.S. District Court for the Northern District of
West Virginia.

3. Grounds for dismissal:
- ☐
- frivolous
- ☐
- malicious
-
- ☐
- failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit:
- 02/12/ 2020

5. Approximate date of disposition:
- Pending.

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: "See Attachment."

Supporting Facts: _____

V. Statement of Claim.

W. Healey.

Supporting Facts.

Plaintiff never alleged in his second DECLARATION (Document No. 60) that Foreman Cooks W. Healey and J. Handlin, improperly terminated Plaintiff from his position in Food Services based solely upon discrimination against him.

The reason used by Foreman Cook T. Thorne, and the other staff to fire Plaintiff from Food Services is going far beyond Plaintiff buying chicken from the inmates trays in the dining hall tables either for commissary or stamps needed for indigent inmates. It was more than discrimination, racism, hatred, etc., against Foreman Cooks W. Healey and J. Handlin, who might have mitigated this Abuse of Power and Obstruction of Justice that seems to be running rampant in this facility by staff officials in charge of Food Services and the administration.

There wasn't any indication that Plaintiff was rendering a poor performance in his duties in the dining hall. So Plaintiff must ask why, was he severely punished because staff didn't like Foreman Cooks W. Healey and J. Handlin as opposed to his work ethics, poor hygiene or overall poor behavior. None of this existed and therefore; Plaintiff was subjected to the generalized statement of being fired unjustly from his kitchen detail to justify remedy ID. 918649-A1, Incident Rpt. No. 3039907, Code 312 from Oct. 02, 2017, which is part of Civil Case No. 1:19-cv-00064 pending in U.S. District Court of West Virginia.

Plaintiff was merely subjected to cruel and unusual punishment because staff, acting outside of their function in the kitchen chose to fire Plaintiff because they need to discredit Plaintiff to get Foreman Cooks W. Healey and J. Handlin removed. W. Healey was responsible of hiring Plaintiff and J. Handlin was in charge of cooking the chicken November 02, 2019. No matter in which position J. Handlin, is now in the Complex, they are trying to justify discrimination against him.

~~Previously;~~ my name was removed from the kitchen 4 o'clock P.M. count but I was authorized by Foreman Cook T. Thorne, to return to work in the movement after the count is clear. First time I was returned back to my unit by compound officer R. Reckard in conjunction with T. Thorne in retaliation for a letter to U.S. President I wrote and let R. Reckard, to read it.

On Nov. 13, 2019, warden Paul Adams, readed a letter I wrote to Ms. Kathleen Hawk Swayner, BOP's director on behalf of Foreman Cooks W. Healey and J. Handlin. Same day, I was called to the kitchen in the 4 o'clock count to work by T. Thorne after being fired and when I arrived to the kitchen T. Thorne, was rude and nasty to me. I felt he was trying to provoke me into disrespecting him.

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CLAIM 2: T. Thorne. Defendant has violated my First Amendment Right in retaliation due to my filing grievances and complaints against staff misconduct and to discredit me to get rid of W. Healey and J. Handlin.

Supporting Facts: He was trying to get W. Healey and J. Handlin removed to another facility in order for him to stay here in FCI Hazelton.

CLAIM 3: R. Reckard. Defendant has violated my First Amendment Rights due to my filing grievances and complaints against staff misconduct.

Supporting Facts: He got scared after reading a letter I wrote to D.S. President on behalf of our staff. It was enough for him to show his dislike toward me. Most of the staff doesn't like inmates who are writing the governor's court etc.

CLAIM 4:

"not - Applicable"

Supporting Facts:

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CLAIM 5:

"Not-Applicable"

Supporting Facts:

"Not-Applicable"

VI. INJURY

Describe **BRIEFLY and SPECIFICALLY** how you have been injured and the exact nature of your damages.

Suffering Monetary loss, Mental And emotional distress, Aggravation Annoyance And inconvenience loss of my Ability to obtain A good Job. And subsequent loss of programming credit for A full time Job, this has caused me unreasonable hardship causing A loss of Money, And peaceful living. A higher risk of heart damages due to distress and other damages. (Read exhibit A. Non-Hospital Medical Center's report dated 01-10-2020)

VII. RELIEF

State **BRIEFLY and EXACTLY** what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

Discrimination Against W. Healey And J. Handlin, is an act that the Administration has to deal with. I request to be reimbursed for all the time without A Job. To be hire in Any kind of Job. However, this Civil Case No. 20-520-CV-00031, should run concurrent with Civil Case No. 19-CV-00064, pending in US District Court of West Virginia. Bluefield Division.

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at FCI Hazelton, WV. on MARCH 11-2020.
(Location) (Date)


Your Signature

Attachment E

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Lazaro Quinones-Cedeno.

Plaintiff

Your full name

v.

Civil Action No.: ~~5:20-cv-300031~~

1:20cv48

W. Healey, et, al,

Defendant.

J. Handlin, et, al,

Defendant.

T. Thorne, et, al,

Defendant.


R. Reckard, et, al,

Enter above the full name of defendant(s) in this action

Certificate of Service

I, Lazaro Quinones-Cedeno. (your name here), appearing *pro se*, hereby certify that I have served the foregoing (Biven Action) (title of document being sent) upon the defendant(s) by depositing true copies of the same in the United States mail, postage prepaid, upon the following counsel of record for the defendant(s) on 02/18/ 2020 (insert date here):

(List name and address of counsel for defendant(s))


(sign your name)